

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PARIS PALMER,

Petitioner,

Case Number 15-11422
Honorable David M. Lawson

v.

CARMEN PALMER,

Respondent.

**ORDER TRANSFERRING THE PETITION FOR WRIT OF
HABEAS CORPUS TO THE WESTERN DISTRICT OF MICHIGAN**

On April 15, 2015, Paris Palmer filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. The petitioner challenges his convictions for murder, armed robbery, unlawful imprisonment, and three counts of possession of a firearm during the commission of a felony. The Court will transfer the petition to the Western District of Michigan because the petition should have been filed there in the first instance.

A habeas petition submitted by a person in state custody may be filed in the district where the person is in custody or in the district where the person was convicted and sentenced. 28 U.S.C. § 2241(d). Section 2241(d) prescribes the proper venue for filing of a habeas petition, but its territorial limits are not jurisdictional. *Moore v. Olson*, 368 F.3d 757, 759, 2004 WL 1088316 (7th Cir. 2004) (“Section 2241(d) is [] clearly a special venue provision.”). “The district court of a district in which is filed a case laying venue in the wrong division or district [must] dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406. The petitioner was convicted in the Calhoun County Circuit Court, located in Battle Creek, Michigan, and is currently incarcerated at the Michigan Reformatory

in Ionia, Michigan. Both are located in the Western District of Michigan. 28 U.S.C. § 102(b). The Western District of Michigan is the proper venue to hear the petitioner's habeas corpus petition. The Court therefore will transfer the case to the Western District of Michigan.

Accordingly, it is **ORDERED** that the Clerk of the Court is directed to **TRANSFER** this case to the United States District Court for the Western District of Michigan.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: May 1, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 1, 2015.

s/Susan Pinkowski
SUSAN PINKOWSKI